

**SUPREME COURT MINUTES
TUESDAY, JANUARY 24, 2012
SAN FRANCISCO, CALIFORNIA**

S197292**HALE (ROBERT L.) ON H.C.**

Petition ordered withdrawn

Pursuant to written request of petitioner, the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S025748**PEOPLE v. CASARES (JOSE LUPERCIO)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Kathleen M. Scheidel's representation that she anticipates filing the appellant's opening brief by May 22, 2012, counsel's request for an extension of time in which to file that brief is granted to March 23, 2012. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S083594**PEOPLE v. TRUJEQUE
(TOMMY ADRIAN)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Christina A. Spaulding's representation that she anticipates filing the appellant's opening brief by March 23, 2012, counsel's request for an extension of time in which to file that brief is granted to March 23, 2012. After that date, no further extension is contemplated.

S093944**PEOPLE v. BERTSCH (JOHN ANTHONY) & HRONIS
(JEFFERY LEE)**

Extension of time granted

On application of appellant John Anthony Bertsch and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 23, 2012.

S097668**PEOPLE v. SHERMANTINE,
JR., (WESLEY HOWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 20, 2012.

S098318**PEOPLE v. HENDERSON
(PAUL NATHAN)**

Extension of time granted

Good cause appearing, and based upon counsel Martin H. Dodd's representation that he anticipates filing the appellant's opening brief by April 21, 2012, counsel's request for an extension of time in which to file that brief is granted to March 23, 2012. After that date, only one further extension totaling about 30 additional days will be granted.

S099549**PEOPLE v. LOPEZ
(MICHAEL AUGUSTINE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Evan Young's representation that she anticipates filing the reply brief by October 2012, counsel's request for an extension of time in which to file that brief is granted to March 26, 2012. After that date, only four further extensions totaling about 220 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S130524**PEOPLE v. GOVIN
(VIRENDRA)**

Extension of time granted

Good cause appearing, and based upon counsel Mark D. Lenenberg's representation that he anticipates filing the appellant's opening brief by August 2012, counsel's request for an extension of time in which to file that brief is granted to March 19, 2012. After that date, only three further extensions totaling about 150 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S138052**PEOPLE v. MATAELE
(TUPOUTOE)**

Extension of time granted

Good cause appearing, and based upon counsel Stephen M. Lathrop's representation that he anticipates filing the appellant's opening brief by October 26, 2012, counsel's request for an

extension of time in which to file that brief is granted to March 20, 2012. After that date, only four further extensions totaling about 210 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S139702

**PEOPLE v. BRACAMONTES
(MANUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 23, 2012.

S146939

**PEOPLE v. CAPERS (LEE
SAMUEL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 23, 2012.

S150509

**PEOPLE v. PINEDA
(SANTIAGO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 23, 2012.

S181061

JURADO (ROBERT) ON H.C.

Extension of time granted

Good cause appearing, and based upon counsel Stephen M. Lathrop's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by March 20, 2012, counsel's request for an extension of time in which to file that document is granted to March 20, 2012. After that date, no further extension is contemplated.

S190730

**HOUSTON (ERIC
CHRISTOPHER) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel David H. Schwartz's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by the first week of July 2012, counsel's request for an extension of time in which to file that document is granted to March 19, 2012. After that date, only two further extensions totaling about 110 additional days are contemplated.

S196998**BALINT (MICHAEL) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION ONE
(PEOPLE)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the preliminary opposition to petition for writ of mandate is extended to February 18, 2012.

S198873**RODGERS (OTIS LEE) v. S.C.
(ALL PERJURY
CONSPIRATORS (RICO))**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S197945**CHRISTENSEN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that KELLY DAVID CHRISTENSEN, State Bar Number 182620, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. KELLY DAVID CHRISTENSEN is suspended from the practice of law for the first 90 days of probation;
2. KELLY DAVID CHRISTENSEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 28, 2011; and
3. At the expiration of the period of probation, if KELLY DAVID CHRISTENSEN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KELLY DAVID CHRISTENSEN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

KELLY DAVID CHRISTENSEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If KELLY DAVID CHRISTENSEN fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S197948**ENNIX III ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that FRANK MARTIN ENNIX III, State Bar Number 40459, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

FRANK MARTIN ENNIX III must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S197950**EVANS ON DISCIPLINE**

Recommended discipline imposed

The court orders that STANLEY LEWIS EVANS, State Bar Number 119091, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. STANLEY LEWIS EVANS is suspended from the practice of law for the first two years of probation;
2. STANLEY LEWIS EVANS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 20, 2011; and
3. At the expiration of the period of probation, if STANLEY LEWIS EVANS has complied with all conditions of probation, the four-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S197954**GEKCHYAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ARMEN EARVIN GEKCHYAN, State Bar Number 220324, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

ARMEN EARVIN GEKCHYAN must also comply with California Rules of Court, rule 9.20, and

perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S197956**LEWIS, JR., ON DISCIPLINE**

Recommended discipline imposed

The court orders that LAWRENCE GEORGE LEWIS, JR., State Bar Number 214652, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. LAWRENCE GEORGE LEWIS, JR., is suspended from the practice of law for the first 60 days of probation (with credit given for inactive enrollment, which was effective February 20, 2009, through April 21, 2009 (Bus.& Prof. Code, § 6233));
2. LAWRENCE GEORGE LEWIS, JR., must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on September 27, 2011; and
3. At the expiration of the period of probation, if LAWRENCE GEORGE LEWIS, JR., has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S197958**HAMM ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RICHARD HAMM, State Bar Number 61401, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

RICHARD HAMM must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198032**MALVEAUX ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID GILLESPIE MALVEAUX, State Bar Number 224220, is suspended from the practice of law in California for three years, execution of that period of

suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. DAVID GILLESPIE MALVEAUX is suspended from the practice of law for the first 90 days of probation;
2. DAVID GILLESPIE MALVEAUX must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 6, 2011; and
3. At the expiration of the period of probation, if DAVID GILLESPIE MALVEAUX has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID GILLESPIE MALVEAUX must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If DAVID GILLESPIE MALVEAUX fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198034**MARTINEZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that WALTER STEVEN MARTINEZ, State Bar Number 153163, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. WALTER STEVEN MARTINEZ is suspended from the practice of law for the first five months of probation;
2. WALTER STEVEN MARTINEZ must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 13, 2011; and
3. At the expiration of the period of probation, if WALTER STEVEN MARTINEZ has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

WALTER STEVEN MARTINEZ must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

WALTER STEVEN MARTINEZ must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If WALTER STEVEN MARTINEZ fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198038**NELSEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAMES WOODROW NELSEN, State Bar Number 74830, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JAMES WOODROW NELSEN must make restitution as recommended by the Review Department of the State Bar Court in its Opinion filed on September 27, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

JAMES WOODROW NELSEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198040**PERFILI ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHELLE A. PERFILI, State Bar Number 107580, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. MICHELLE A. PERFILI is suspended from the practice of law for the first thirty days of probation;
2. MICHELLE A. PERFILI must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 29, 2011; and
3. At the expiration of the period of probation, if MICHELLE A. PERFILI has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHELLE A. PERFILI must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7

and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2013, 2014, and 2015. If MICHELLE A. PERFILI fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S198042**ROBINSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BENJAMIN ROBINSON, State Bar Number 107550, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BENJAMIN ROBINSON must make restitution as recommended by the Hearing Department of the State Bar Court in its Decision filed on January 19, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

BENJAMIN ROBINSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198044**STERWERF ON DISCIPLINE**

Recommended discipline imposed

The court orders that ALBERT MARK STERWERF, State Bar Number 175454, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. ALBERT MARK STERWERF must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 4, 2011; and
2. At the expiration of the period of probation, if ALBERT MARK STERWERF has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ALBERT MARK STERWERF must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S198045**WESTON ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHRISTOPHER GEORGE WESTON, State Bar Number 174808, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. CHRISTOPHER GEORGE WESTON must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on September 28, 2011; and
2. At the expiration of the period of probation, if CHRISTOPHER GEORGE WESTON has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2013 and 2014. If CHRISTOPHER GEORGE WESTON fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

A134205

First Appellate District, Div. 3

**KAY (PHILIP E.) v. STATE
BAR OF CALIFORNIA**

The above-entitled matter, now pending in the Court of Appeal, First Appellate District, is transferred from Division Three to Division One.

B231089

Second Appellate District, Div. 8

**PEOPLE v. TOROSYAN
(ARMEN)**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Eight to Division Three.

B232729

Second Appellate District, Div. 3

**XTC INVESTMENTS LLC v.
BLUENOSE TRADING, INC.**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Four.

B232750

Second Appellate District, Div. 3

**SUPERIOR COATINGS, INC.
v. LOS ANGELES UNIFIED
SCHOOL DISTRICT**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Four.

B234899

Second Appellate District, Div. 3

PEOPLE v. C. (CARLOS)

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Eight.

